

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

BRENT JUSTIN BONECUTTER,

Plaintiff,

v.

CIVIL ACTION NO. 3:09-0608

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.


**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant's motion to dismiss be granted and that this case be dismissed and retired from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendant's motion to dismiss and **DISMISSES** this case from the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 19, 2010

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE